

DETAILED ACTION

1. This action is in response to applicant's RCE received on December 21st, 2009.

Election/Restrictions

2. Claims 7-9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected method, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on December 26th, 2007.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van der Wal (3,950,203) in view of Oleksy (5,447,009) and Admitted Prior Art.

Van der Waal discloses the same invention including supply reels 6 having a supply rolls for each band shown in the figures a frame 4, a conveyor 2 that is supported by the frame and is used for moving packages forward, band clamping and guiding means (Figs. 2-8) which move transversely of the conveyor away and toward each other and are connected to supply reels 6, and welding means (col. 3 lines 31-38).. Each supply reel is capable of holding a different type of tape, such as metal, another fusible material, or non-fusible material (col.1 lines 65-69 and col. 3 line 31).

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Therefore, each different type of tape can all be considered to be of the strap type.

Therefore, the supply reels are capable of each holding a different type of strap and are capable of being applied simultaneously one above the other as can be seen in the figures. Note that Van der Wal's device is capable of applying two different types (metal, non-fusible, etc.) simultaneously. A first group of band clamping, guiding, and welding means has a first pair of jaws 16 and 19 and a second group with a second pair of jaws (Fig. 1) where each group is arranged one above the other. It should be noted that the band clamping, guiding, and welding means (Figs. 2-8) are jaws having clamping faces 17, 18, 20, 21 and are therefore clamping jaws. In addition, as stated in col. 3 lines 31-38, spot welding electrodes can be placed on the jaws for attaching the band ends together. Therefore, they are also welding jaws.

Regarding claims 4-5, each jaw has a clamping surface (17, 20) and a guiding surface (18, 21), which runs transversely to the direction of movement of the package and co-acts with the surface of the other jaw (Fig. 4). The surfaces are provided with tooth-like protrusions (Fig. 4) lying in a direction opposite of the pulling direction. It is deemed inherent that a motor drives the supply rolls, i.e. a motor causes a pulling force on the tapes which, in turn, drive the supply reels.

Van der Wal fails to disclose the conveyor being a belt. However, these features are admitted prior art since Applicant has not adequately traversed the obviousness of such features, i.e. Applicant has not pointed out the specific reason why they are not obvious. Therefore, it would have been obvious to one of ordinary skill in the art at the

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time of the invention to substitute Van der Wal's conveyor rollers with a conveyor belt for the purpose of smoothly and continuously transporting packages to be strapped.

Van der Wal discloses the same invention substantially as claimed except for one of the bands being of the film type. However, Oleksy teaches wrapping packets with film bands 16a-16e for the purpose of improving the cohesiveness of the packets, while allowing the packets to breathe, for example with food packets (see col. 1 lines 23-25 and col. 3 lines 17-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide film as a band type in Van der Wal's device for the purpose of improving the cohesiveness of the packets, while allowing the packets to breathe.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van der Wal (3,950,203) in view of Olesky (5,447,009) and Admitted Prior Art, as applied to claims 1 and 4-5 above, and further in view of Odenthal (5,735,104).

The modified device of Van der Wal discloses the same invention substantially as claimed except for a second band being of a larger width than the first band. However Odenthal teaches a device for wrapping two different size bands around packages for the purpose of providing support by making one band a tray-forming strap (col. 2 lines 53-55). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use a second band as taught by Odenthal that is of a different width for the purpose of providing more support to Van der Wal's modified package.

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6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van der Wal (3,950,203) in view of Olesky (5,447,009) and Admitted Prior Art, as applied to claims 1 and 4-5 above, and further in view of Odenthal (5,551,212).

The modified device of Van der Wal discloses the same invention substantially as claimed except for a second band being provided with a label. However Odenthal teaches a device for wrapping bands around packages where a band can be embossed or printed, thus being provided with a label for the purpose of providing an advertisement or identification of the package (col. 2 lines 39-41). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have a second band that has print or embossment on it as taught by Odenthal for the purpose of providing an advertisement or identification of the package being wrapped.

Response to Arguments

7. Applicant's arguments filed November 27th, 2009 have been fully considered but they are not persuasive.

Applicant contends that while Van der Waal teaches a device capable of using more than one type of band, Van der Waal does not teach using two or more types of tape in the device simultaneously. However, it should be noted that as Van der Waal discloses in col. 1 lines 65-68 through col. 2 lines 1 and col. 3 line 31, the device can be used for applying metal tapes, other fusible tapes, or non-fusible tapes. This implies that different types of tapes can be used within the device. Referring to Fig. 1, several supply reels are provided one on top of the other. Examiner asserts that Van der

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Waal's device is capable of inserting a different type of tape to each supply reel and thus is capable of applying simultaneously two different types of tapes to the package (i.e. a metal tape and a tape made of another fusible material).

For the reasons above, the grounds of rejection are deemed proper.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINDSAY M. LOW whose telephone number is (571)272-1196. The examiner can normally be reached on Monday thru Friday 7:30 to 5:00.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. M. L./
Examiner, Art Unit 3721

/Rinaldi I Rada/
Supervisory Patent Examiner, Art Unit 3721